

MODEL SUBDIVISION REGULATIONS

Including Conservation Subdivision

For Communities in the State of Georgia

November 2008

This model ordinance provides for the use-by-right of subdivisions in residential zones throughout the incorporated or unincorporated areas of a [Local Jurisdiction] or county. It features a discussion of terms, common procedures, and the regulations, followed by detailed requirements for preparation, submittal, review, and approval of the subdivision design from its concept through construction. Each community may need to adjust certain aspects of the regulations to meet local code and circumstances.

Articles V through XI itemize the technical process of preparing plans at various stages of completion; these requirements are intended to follow generally accepted practices in Georgia by professional engineers, surveyors, and landscape architects.

Article XII provides incentives and standards for Conservation Subdivision. This ordinance allows for an option of Conservation Subdivisions, but does not mandate such development design. Individual communities may elect to require the use of Conservation Subdivision Standards in certain zoning districts, overlay areas, or ecologically important areas. Furthermore, this ordinance may be updated to include optional standards for other types of subdivision development, such as rural/farmland conservation subdivisions.

The ordinance has been created for use by communities in Georgia, with three intended applications:

- For those communities with no existing subdivision regulations, this model ordinance can be adapted and then adopted in its entirety to provide a framework for the application, review, and approval process as well as the conservation design measures.
- For those communities with and existing subdivision regulations, Article XII can be edited and then adopted into the existing legal documents for subdivisions. In that case, the conservation design elements would be provided while following previously established standards and procedures for review and approval.
- For those communities with existing regulations, any portions of this ordinance may be copied and merged into those local regulations as appropriate and helpful.

Although aspects of this ordinance can be used and adapted to any jurisdiction in the State of Georgia, the primary purpose is to encourage sustainable development approaches for new subdivisions, particularly but not limited to the 10 coastal region counties of the state. The ordinance is based on several recent publications and initiatives including the Green Growth Guidelines from the Georgia Department of Natural Resources, Coastal Resources Division.

Text in [brackets] indicates terms that need to be written specifically for the [Local Jurisdiction], such as the jurisdiction name. Text in **[bold brackets]** is provided only for consideration by local planning staff and officials as they adapt these regulations to their unique circumstances and geography. Definitions related to conservation design are included within the overall list of terms in ARTICLE III.

SUBDIVISION REGULATIONS

for

_____, Georgia

Adopted

_____, 20__

Subdivision Ordinance
for
[Local Jurisdiction], Georgia

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ARTICLE I **AUTHORITY AND TITLE**

In accordance with applicable laws, statutes, ordinances and regulations of the State of Georgia, and as established through the local governing body, [insert jurisdiction] does hereby exercise the power and authority to review, approve, and disapprove plans for the subdivision of land within its [incorporated or unincorporated] limits that show lots, blocks, or sites with or without new streets or highways.

ARTICLE II **AUTHORITY**

This Ordinance is adopted under the authority of the Constitution of the State of Georgia and laws enacted pursuant thereto.

Section 1. Short Title

This Ordinance shall be known and may be cited as "Subdivision Regulations of [insert jurisdiction], Georgia."

Section 2. Purpose

The regulations set forth in this Ordinance are intended to serve the following purposes.

- A. To protect and promote the health, safety and general welfare.
- B. To provide a system for the subdividing of lands and the accurate recording of land titles.
- C. To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan and other local policies and objectives.
- D. To assure the provision of needed open spaces and public facility sites in new land subdivisions through the dedication or reservation of land for public purposes.
- E. To assure equitable review and approval of all subdivisions by providing uniform procedures and standards for the subdivider.

Section 3. Intent and Application

It is the intent of this Ordinance that it will apply to and provide guidance for the subdivision of lands within the [incorporated or unincorporated] limits of [Local Jurisdiction], Georgia. Any land development activity must first comply with this Ordinance.

ARTICLE III **DEFINITIONS**

Section 1. Use of Words and Interpretation

For the purposes of this Ordinance, the following shall apply to the use of all words:

- A. Words used in the present tense shall include the future tense;
- B. Words used in the singular number include the plural and words in the plural number include the singular;
- C. Words in masculine gender shall include the feminine and words in feminine gender shall include the masculine;
- D. The term "shall" is mandatory and not discretionary;
- E. The word "may" is permissive;
- F. Use of the word "and" is inclusive and requires that all of the component phrases so connected must be present or fulfilled for sufficiency; and
- G. Use of the word "or" is not exclusive and requires that at least one of the component phrases so connected must be present or fulfilled for sufficiency. The word "or" may allow more than one component phrase to be present or fulfilled, as in "and/or".
- H. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- I. When the title of building and zoning inspector is used, it shall be construed to mean the planning and building department director or designee.
- J. Words not defined herein shall be construed to have their common meaning.
- K. The word "City" refers to the official local government and shall include Town, Village, and other similar terms to identify [Local Jurisdiction] with incorporated land.

Section 2. Definitions of Words and Phrases

Active Recreation. Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Best Management Practices (BMPs). Structural devices to store or treat storm water runoff or non-structural programs or practices both of which are designed to prevent or reduce the pollution of the waters of the State Of Georgia and provide other amenities.

Buffer. An area along the course of any watercourse or roadway to be maintained in an undisturbed and natural condition.

Buildable Area. Land area of a parcel, excluding Unbuildable Area.

Buildable Lot. The smallest lot area established by the [Local Jurisdiction] or Health Department on which a use or structure may be located in a particular district.

Building Envelope. Area of a building lot identified on a subdivision plan indicating the allowed limits of clearing and grading, and within which all structures, and, when applicable, the well and septic systems, with the tank and leach field, shall be located.

Concept Plat. A drawing which shows the overall concept of a proposed development, as further defined in these regulations.

Conservation Easement. An easement which perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the [insert name of jurisdiction], permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.

Conservation Subdivision. A subdivision approved in accordance with the applicable provisions and regulations, including those in Article XII, stated in this Ordinance.

Conventional Subdivision. A subdivision design that is consistent with the provisions of the underlying Zoning Ordinance and Subdivision Regulations that would be applicable in the absence of the provisions and regulations stated in this Article XII.

Easement. Legal authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.

Final Plat. A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certifications required by these Regulations and conforming to the Georgia Plat Act.

Floodway. The channel of a river or other watercourse and the adjacent land areas subject to erosive velocities and damage from flood-borne debris that must be reserved in order to discharge the base flood (Intermediate Regional Flood), without ultimately increasing the water surface elevation more than one foot.

Golf Course. A tract of land laid out for at least nine holes for playing the game of golf and includes tees, greens, fairways, hazards, and structures such as a clubhouse and shelter.

Golf Driving Range. A tract of land dedicated to driving of golf balls off tees into a designated landing area.

Health Department. The Health Department of _____ County, Georgia.

Land Trust. A private non-stock, non-profit corporation that has as its purpose the preservation

of open space land.

[Local Jurisdiction]. The county, municipality, or other political subdivision adopting this Ordinance.

Lot. A portion of a subdivision, or any other tract or parcel of land, intended as a unit for transfer of ownership or for development or both.

Open Space. A portion of a subdivision that has been set aside for permanent protection, or restricted or limited development. Activities within the open space may be restricted in perpetuity through the use of an approved legal instrument, as described in Article XII, Section 5.

Owner. A person having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

Passive Recreation. Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure may be permitted in connection with a particular passive recreational activity, if the building or structure facilitates an underlying passive recreational activity that requires the building or structure, and the addition of the building or structure does not qualitatively change the impact of the passive recreational activity on the natural features of the land on which the activity occurs. For example, the installation of restrooms, posts, signs, or water fountains along a hiking trail may not cause hiking to be deemed an active recreational use.

Person. An individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, or other entity, group or combination thereof, other than a State, County, municipality, or any agency, board, authority, or subdivision of the foregoing, acting singly or collectively for a common purpose, and the duly authorized agents thereof.

Plat. A map or drawing showing the subdivision, resubdivision, or recombination of land and any other features specified for a Plat in this Ordinance.

Preliminary Plat. A drawing which shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a Preliminary Plat in the Ordinance.

Qualified Wetland Scientist. A wetland scientist with current certification by the Society of Wetland Scientists Professional Certification Program as either a Professional Wetland Scientist or a Wetland Professional in Training.

Road. Used interchangeably with the word street.

Sketch Plat. Refer to “Concept Plat”.

State Waters. Any and all rivers, perennial and intermittent streams, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, wet weather systems, and all bodies of surface or subsurface water, including any waters which are subject to the ebb and flow of the ocean tides, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single Person.

Street, Private. An access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to more than one property, but held in private ownership.

Street, Public. A right-of-way dedicated to and accepted by the local government for vehicular traffic including a prescriptive easement for public access and designated and numbered U.S. and State Highways. For purposes of these Regulations, the term “public street” shall be limited to those, which afford a direct means of vehicular access to abutting property, or those streets onto which residential property fronts, and exclude limited access highways which abut a property but from which direct access may not be allowed under any circumstances.

Subdivider. Any person dividing or proposing to divide land so as to constitute a subdivision as herein defined.

Subdivision. Any division or re-division of a lot, tract, or parcel, regardless of its existing or future use, into two or more lots, tracts, or parcels. Where appropriate to the context, the term “subdivision” also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

Unbuildable Area. The area in square feet, within a proposed subdivision which is comprised of State Waters, coastal marshlands defined by the Coastal Marshlands Protection Act [O.C.G.A. 12-5-280]; bodies of open water over 5,000 square feet contiguous area; or any portion of any required buffers for any of the foregoing natural feature. Other features include existing and proposed streets and highways, easements and rights-of-way for vehicular access, drainage, and utilities. Easements and rights-of-way shall maintain a defined width.

Wetlands. All wetlands, swamps, bogs, and waters that are subject to the U.S. Army Corps of Engineers’ (Corps) jurisdiction, and including without limitation, all areas that are not subject to the Corp’s definition, but are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and further including, without limitation, all hydric soils, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

ARTICLE IV APPLICATION OF THE REGULATIONS

Section 1. Subdividing Land

After the adoption of this Ordinance, no tract of land within the [Local Jurisdiction] shall be subdivided without prior approval of the [Local Jurisdiction] in accordance with this Ordinance, provided however the division of land into parcels of five acres or more where no new street is involved is exempt from this requirement. [Local governments may opt not to exempt any types of subdivision regardless of size.]

Section 2. Recording a Plat

No plat of a Subdivision shall be recorded in the Office of the Clerk of the Superior Court of [insert county name] County unless it has first been approved in compliance with the regulations of this Ordinance.

Section 3. Use of a Plat

The transfer of title or sale of land by reference to a plat of a subdivision that has not been approved by the [City/County] and properly recorded in compliance with the regulations set forth in this Ordinance is prohibited and shall not be recognized or qualified as a Subdivision under this Ordinance.

Section 4. Erection of Buildings

No building permit shall be issued and no building shall be erected on any subdivided lot within the [Local Jurisdiction] unless that lot legally existed prior to the enactment of these Regulations, or unless that lot shall first have been created in accordance with the regulations set forth in this Ordinance.

Section 5. Dedication of Land and Facilities

No land or facilities shall be dedicated to the [Local Jurisdiction] for public ownership or use unless that dedication is made in accordance with the regulations set forth in this Ordinance.

ARTICLE V **GENERAL REQUIREMENTS**

Section 1. Suitability of the Land

Land subject to flooding, improper or inadequate drainage or erosion, if developed as proposed, and any land deemed unsuitable for development due to steep slopes, unsuitable soils, subsurface conditions or other undesirable properties, shall not be subjected to development as a lot within a Subdivision for any uses that shall or may create or continue such conditions or increase danger to health, safety, life, or property. In particular, no land identified as unbuildable area or land within any delineated floodways shall be included within the Buildable Area of any Subdivision or included within any Lot of a Subdivision. In addition, no undisturbed buffer that is required by any of the local development codes and ordinances in order to protect the health, safety and welfare of the community shall be included or within any Lot proposed for a Subdivision for any development.

Section 2. Appropriateness of Location

The [insert name of administrator] and the [insert name of appropriate board, council or commission] should consider the following provisions when making a recommendation for approval of a subdivision:

- A. Whether the subdivision is suitable in view of the use and development of adjacent and nearby property;
- B. Whether the subdivision will adversely affect the existing use or usability of adjacent or nearby property;
- C. Whether the land to be subdivided has a reasonable economic use as currently zoned and in its existing use;
- D. Whether the subdivision will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- E. Whether the subdivision is in conformity with the policy and intent of the Comprehensive Plan and/or the Land Use Plan;
- F. Whether there are other existing or changing conditions affecting the development of the property which give supporting grounds for either approval or disapproval of the subdivision;
- G. Whether the subdivision can be considered environmentally adverse to the natural resources, environment and citizens of the [Local Jurisdiction].

Section 3. Differences In Ordinances

Whenever there is a difference between minimum standards or requirements under the regulations set forth in this Ordinance and those contained in any applicable zoning regulations, development regulations, building codes or other ordinances or regulations, the most restrictive shall apply.

Section 4. Conformance

All proposed subdivisions must conform to the adopted Comprehensive Plan of [Local Jurisdiction].

Section 5. Access

When land is subdivided into larger parcels than ordinary building lots, such lots shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

No subdivision should be designed so as to completely eliminate street access to adjoining parcels of land. Every development should be designed to facilitate access to adjoining properties, which are developed or anticipated to be developed in a manner compatible with or substantially similar to the subject property. Locations of inter-parcel access shall be as required by and subject to the approval of the [Local Jurisdiction]. Private streets, as may be approved under the provisions of this Ordinance, shall be constructed to the roadway standards of the [Local Jurisdiction].

ARTICLE VI **THE CONCEPT PLAT**

Section 1. Purpose of Concept Plat

The purpose of a Concept Plat review is to provide a developer with an economical way to work with the planning staff and elected officials in reaching a general agreement as to the nature of a proposed land subdivision project, its impact on the community, and its conformance with the codes, ordinances, plans and policies. For the Concept Plat review, the developer will not need detailed architectural and engineering drawings.

Section 2. Concept Plat Specifications

As a minimum, the following information and materials should be provided as a part of the Concept Plat application package:

- A. One (1) copy of an accurate and up-to-date survey of the property proposed for subdivision;
- B. One (1) copy of a vicinity map at a scale of 1:600 showing the property in relation to the general area of the jurisdictional limits in which it is located;
- C. Ten (10) copies of a schematic plat drawn clearly and accurately by a design professional at a scale appropriate for the nature of the project, to include:
 - 1. Scale, North Arrow, and Date of Preparation;
 - 2. Approximate Topography;
 - 3. All primary and secondary conservation areas;
 - 4. Significant Existing Man-Made Features on the Property;
 - 5. Proposed streets, lots, public areas, open spaces, greenbelts, buffers, amenity areas, and other significant proposed improvements;
 - 6. Zoning setbacks, and the approximate area of each lot;
 - 7. Any other features that will be important in the design and development of the project; and
 - 8. Any off-site improvements that may be needed to properly develop the property.
- D. One (1) copy of a reduced 11 inches x17 inches copy of the Concept Plat suitable for distribution;
- E. One (1) copy of the Stormwater Management Concept Plan
- F. Typical floor plans and elevations of the houses that are planned for the proposed subdivision; and
- G. A Concept Plat review fee

Section 3. Concept Plat Review Process

- Step 1: The developer of a proposed subdivision shall meet with the [Local Jurisdiction] [insert administrator's title] or designated development coordinator to discuss what is required for Concept Plat approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to the [Local Jurisdiction] [insert administrator's title] a complete Concept Plat application package including all items specified under Section 2 of this Article, and any other matter appropriately required by the [Local Jurisdiction].
- Step 3: The Concept Plat Application Package is carefully checked by the [Local Jurisdiction] [insert administrator's title] or designated administration assistant to determine whether or not it is complete. If it is incomplete it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2 and no additional fee will be required.
- Step 4: If the Concept Plat Application Package is complete, it will be accepted by the [Local Jurisdiction] [insert administrator's title] or designated development coordinator; the date of acceptance will be noted. For every submittal, the [Local Jurisdiction] [insert administrator's title] or designated review authority shall have at least 15 working days for review and comments.
- Step 5: If the [Local Jurisdiction] [insert administrator's title] concludes the Concept Plat is not acceptable, the Concept Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2, and a new plat review fee will be required.
- Step 6: If the [Local Jurisdiction] [insert administrator's title] approves the Concept Plat, the developer will be authorized to proceed with the preparation of a Preliminary Plat that will be based on the approved Concept and be in accordance with all conditions and agreements included in the action to approve the Concept.

Section 4. Concept Plat Certifications

4.1. Concept Plat, Owner's Certification

The following certification statement shall appear in the Concept Plat Application package:

I hereby submit this Concept Plat as the owner, or his authorized agent, of all property shown thereon.

[Signature of Owner or Authorized Agent]

Date

[Name of Owner or Authorized Agent]

Title

4.2. Concept Plat

The following certification statement shall appear in the approved Concept Plat Application package:

This Concept Plat has been reviewed and approved by the [City/County] in accordance with these Regulations and other applicable development codes and ordinances. This approval expires in one (1) year from this date if the owner/developer fails to secure Preliminary Plat approval by that time.

[Jurisdiction Administrator/Manager]

Date

ARTICLE VII THE PRELIMINARY PLAT

Section 1. Purpose of Preliminary Plat

The purpose of a Preliminary Plat is to provide a review of a proposed subdivision at an intermediate point between the Concept Plat and a full set of Construction Plans. It is intended that this review will help assure that the plans which are being prepared are in accordance with all applicable development codes and ordinances and with the conditions set forth in the approval of the Concept Plat.

Section 2. Preliminary Plat Specifications

The Preliminary Plat for a subdivision shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The sheet size shall not exceed 36 inches by 48 inches, provided, however, a scale of 200 feet to one inch may be used to avoid sheets in excess of 36 inches by 48 inches. The minimum sheet size shall be 17 inches by 22 inches. The Preliminary Plat application package shall, at a minimum, contain the following:

- A. Proposed name of the subdivision.
- B. Names, addresses, and telephone numbers of the property owner of record and the developer or subdivider.
- C. Name, address, and telephone number each professional firm associated with the preparation of the Preliminary Plat.
- D. Date of survey, North Arrow, and graphic scale.
- E. Subdivision location including land lot(s) and land district(s), area in acres, internal and abutting zoning, proposed number of lots with minimum lot size, and proposed phasing, if any.
- F. A location sketch or vicinity map positioning the subdivision in relation to the surrounding area with regard to recognized permanent landmarks. The location sketch scale shall be at a scale of 600 feet to the inch.
- G. Boundary lines of the overall property perimeter showing bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot along all lines and the bearing and distances to an existing street intersection or other recognized permanent landmark. The source of boundary information shall be shown.
- H. Current field-run topography with mean sea level contours at intervals no greater than five feet. The source of topographic information shall be shown.
- I. Accurate locations of all natural features such as lakes, ponds, streams, creeks, State Waters, Wetlands, floodplain boundaries, riparian buffers, Wildlife and Priority Habitats (as identified by Department of Natural Resources), and other significant features, and notations designating any federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features. The source of floodplain information shall be shown. If applicable, the petitioner must provide a copy of the Wetland Delineation that has been approved by the US Army Corps

of Engineers, or at a minimum, a delineation prepared by a qualified wetland scientist.

- J. Primary and Secondary Conservation Areas
- K. Approved Stormwater Management Plan
- L. Accurate locations of all cultural features such as all existing historic resources, public recreational facilities, cemeteries, rights-of-way, easements, pavements (including widths), bridges, culverts and storm drains, utility lines, appurtenances and structures, municipal, County, or other political subdivision jurisdictional limits, land lot and district lines, zoning districts and limits and other significant features.
- M. Proposed layout including lot lines with preliminary dimensions, lot numbers, block letters, street rights-of-way with names and widths, easements, public use facilities, facilities exclusively for subdivision use and all relevant conditions of zoning.
- N. Location of all known existing or previous landfills.
- O. Proposed method of water supply and sewage disposal.
- P. Concept Plat Certifications as specified this Article VI, Section 4.

Section 3. Preliminary Plat, Supplemental Information.

The following supplemental information shall be required for each submittal of a Preliminary Plat:

- A. A written summary of the proposed Subdivision giving information as to the overall development plan including, as appropriate, the type and square footage of structures, number of housing units, types of land uses, anticipated traffic generation, and other pertinent information so that the effects and conformance of the Subdivision as to the purposes and requirements specified in Article V, Section 1 can be considered by the [Local Jurisdiction] [insert administrator's title] or designated development coordinator.
- B. Description of the anticipated utility systems required to serve the proposed subdivision including projected average and peak demands or flows for potable water (Water Availability Report), fire protection, sewerage, and electrical power.
- C. Description of proposed stormwater management practices for the subdivision including the ownership and proper maintenance provisions of all stormwater detention facilities within the subdivision.
- D. Such additional information as may be reasonably required to obtain an adequate understanding of the subdivision.

Section 4. Preliminary Plat Review Process

- Step 1: The developer of a proposed Subdivision shall meet with the [Local Jurisdiction] [insert administrator's title] to discuss what is required for Preliminary Plat Approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to the [Local Jurisdiction] [insert administrator's title] two

- complete sets of the Preliminary Plat Application Package.
- Step 3: The Preliminary Plat Application Package shall be carefully checked by the [Local Jurisdiction] [insert administrator's title] or designated development coordinator to determine whether or not it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2, and no additional fee will be required.
- Step 4: If the Preliminary Plat Application Package is complete, it will be accepted by the [Local Jurisdiction] [insert administrator's title] or designated development coordinator; the date of acceptance will be noted. For every submittal, the [Local Jurisdiction] [insert administrator's title] and the [Local Jurisdiction] Engineer shall have at least 15 working days for review of the Preliminary Plat, and preparation of review comments.
- Step 5: If it is concluded that the Preliminary Plat is not acceptable, the Preliminary Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and a new plat review fee will be required.
- Step 6: After the Preliminary Plat Application has been reviewed by the [Local Jurisdiction] [insert administrator's title] and staff, the Preliminary Plat submittal shall then be placed on the Agenda for the next regularly occurring meeting of the [insert applicable local zoning body] for approval. The [insert applicable local zoning body] shall have the authority to impose conditions and agreements on any plat approval as will ameliorate the negative effects of the proposed development on internal or surrounding properties.
- Step 7: If the Preliminary Plat is approved [insert applicable local zoning body], it shall be forwarded to the developer and he will be authorized to proceed with the preparation of construction plans. The construction plans will be based on the approved Preliminary Plat and be in accordance with all conditions and agreements included in the action to approve the Preliminary Plat.
- Step 8: The [Local Jurisdiction] [insert administrator's title] will sign the Preliminary Plat Certification after receiving approval from the [insert applicable local zoning body].

Section 5. Preliminary Plat Certifications

5.1. Preliminary Plat, Owner's Certification:

The following certification statement from the owner shall appear in the Concept Plat Application package:

I hereby submit this Preliminary Plat as the owner, or his authorized agent, of all property shown thereon.

_____	_____
Signature of Owner or Authorized Agent	Date

_____	_____
Name of Owner or Authorized Agent	Title

5.2. Preliminary Plat, Designer's Certification:

The following certification statement from the design professional of record shall appear in the approved Concept Plat Application package:

I hereby certify that the plans for the proposed subdivision shown on this Preliminary Plat were prepared by me or under my direct supervision:

_____	_____
Signature	Date

Registered Landscape Architect No. _____
Or Registered Land Surveyor No. _____
Or Registered Civil Engineer No. _____ (Seal)

5.3. Preliminary Plat, Conformance with Concept Plat

The following certification statement shall appear in the approved Concept Plat Application package:

I hereby certify that this proposed Preliminary Plat conforms to the approved Concept Plat and the requirements of the other applicable development codes and ordinances:

_____	_____
[Jurisdiction Administrator/Manager]	Date

_____	_____
[City/County Engineer]	Date

5.4. Preliminary Plat Approval

All requirements of the [Local Jurisdiction] relative to the preparation and submission of this Preliminary Plat have been fulfilled and approval of this Plat is hereby granted. This approval expires in 365 days from this date if the owner/developer fails to secure Final Plat approval by that time.

[Local Jurisdiction] [insert administrator's title]

Date

Acknowledged by:

Owner/Developer

Date

ARTICLE VIII **CONSTRUCTION PLANS**

Section 1. Purpose of Construction Plans

The purpose of the Construction Plans is to provide all the detailed engineering information necessary to actually build the proposed subdivision in accordance with the approved Preliminary Plat and all the other development codes and ordinances of the [City/County]. It shall be the responsibility of the [City/County Engineer] to approve the format and content of the plans and specifications, and to determine what supplemental information shall be required to assure proper construction of the project.

Section 2. Construction Plans and Specifications

The Construction Plans for a subdivision shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The sheet size shall not exceed 36 inches by 48 inches, and the minimum sheet size shall be 17 inches by 22 inches. The Construction Plans shall include the following information:

- A. Name of Subdivision;
- B. Name, Address and Telephone Numbers of the Owner/Developer of the Property;
- C. Name, Address and Telephone Number of the Professional Engineer who prepared the plans;
- D. Name, Address and Telephone Number of the designated 24-hour contact person for the project;
- E. Date plans were prepared, North Arrow and Graphic Scale on all appropriate sheets.
- F. Location Map at a scale of 600 feet to the inch;
- G. An accurate list of all conditions relative to the zoning or development of the property as a Subdivision and the approval of the Concept Plat and Preliminary Plat;
- H. Pertinent Site Development Data;
- I. A copy of each permit or approval that shall be required from any federal, state or local regulatory agency for or in connection with the proposed subdivision, or any portion thereof, or a copy of a pending application for any such permit or approval.
- J. Detailed Limits of Clearing and Tree-Save Plans;
- K. Detailed Limits all undisturbed buffers and open space;
- L. Erosion and Sediment Control Plans;
- M. Detailed Stormwater Management Plans;
- N. Detailed Electric and Natural Gas Utility Plans;
- O. Detailed Roadway Plans;
- P. Detailed Grading Plans;
- Q. Detailed Water Supply/Utility Plans;
- R. Detailed Sanitary Sewer Plans; and

- S. Such other Information as may be required by the [Local Jurisdiction] to fully evaluate and review the Project.

Section 3. Construction Plan Review Process

- Step 1: The developer of a proposed subdivision shall meet with the [Local Jurisdiction] [insert administrator's or engineer's title] to discuss what is required for Construction Plan Approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to the [Local Jurisdiction] two complete sets of the Construction Plan Application Package.
- Step 3: The Construction Plan Application Package shall be carefully checked by the [Local Jurisdiction] [insert administrator's or engineer's title] or designated development coordinator to determine whether or not it is complete. If it is incomplete it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2, and no additional fee will be required.
- Step 4: If the Construction Plan Application Package is complete, it will be accepted by the [Local Jurisdiction] [insert administrator's or engineer's title] or designated development coordinator; the date of acceptance will be noted. For every submittal, the [Local Jurisdiction] [insert administrator's or engineer's title] shall have at least 30 working days for review of the Construction Plans, and preparing comments.
- Step 5: The [Local Jurisdiction] [insert administrator's or engineer's title] shall review and approve two identical sets of plans, one for the developer and one for the [Local Jurisdiction]. The developer shall then make five copies of the approved set for the [Local Jurisdiction], along with one 11 inches x 17 inches set. The developer shall keep one copy of the approved set on the construction site at all times.
- Step 6: Upon request, after approval on the Construction Plans and receipt of all permits and approvals under Section 2, Item I of this Article, which shall become a part of the developer's Construction Plans, the [Local Jurisdiction] [insert administrator's or engineer's title] shall issue a Land Disturbing Activity or Development permit to install the erosion control facilities and the tree-save fence in accordance with the approved plans. A fee is required for this permit in accordance with the fee schedule set by the [Local Jurisdiction].
- Step 7: Upon request, the staff shall inspect the property to determine whether or not the erosion control facilities and tree-save fence were installed properly. This inspection shall take place within three working days of the request.
- Step 8: If the installation is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 7. A

- re-inspection fee shall be required.
- Step 9: After approval of the erosion control facilities and tree-save fence, the developer may request that the [Local Jurisdiction] [insert administrator's or engineer's title] issue a permit to clear and grade the property in accordance with the approved plans. A fee may be required for this permit in accordance with the fee schedule set by the [Local Jurisdiction].
- Step 10: Upon request, the staff shall inspect the property to determine whether or not the clearing and grading were done properly. This inspection shall take place within five working days of the request.
- Step 11: If the clearing and grading are not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 13. A re-inspection fee may be required in accordance with the fee schedule set by the [Local Jurisdiction].
- Step 12: The [Local Jurisdiction] staff or appointees may periodically inspect the property to determine whether or not the site is developed in accordance with the approved plans. Also, the developer shall submit for review and approval all test results, documentation, and certifications that are required to demonstrate satisfactory construction and adherence to all federal, state, or local regulatory agency permits and approvals, all codes, ordinances and development standards.
- Step 13: Upon request, the [Local Jurisdiction] staff shall make a final inspection of the construction. On the basis of the site inspection and the review of the supporting documentation, the [Local Jurisdiction] [insert administrator's or engineer's title] shall determine whether or not the construction work is acceptable. This determination shall be made within ten working days of the request. If it is determined that the construction is satisfactory, the [Local Jurisdiction] [insert administrator's or engineer's title] will authorize the preparation of a Final Plat.
- Step 14: If the construction is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 13. A re-inspection fee shall be required.

Note: If the developer wishes to make any substantive change to the Construction Plans at any time during the process, that change must first be approved by the [Local Jurisdiction] [insert administrator's or engineer's title] in accordance with the Construction Plan Review Process.

Note: Staff inspections will be performed on a regular basis during the construction process to assure conformance with the approved plans and specifications

Section 4. Construction Plans Certification

4.1. Construction plans, engineer's certification of design

The following certification statement from the design professional of record shall appear in the approved Construction Plans package:

I hereby certify that the design of stormwater and drainage facilities including culverts, drainage structures and detention or retention ponds and appurtenances; the design of roadways and streets; and the design of water system facilities including pipelines, fire hydrants, valves and appurtenances, sanitary sewerage facilities including gravity sewer pipelines, force mains, manholes and appurtenances was prepared under my direct supervision and is in strict accordance with all applicable federal, state, and local regulatory permits and approvals, and all applicable local codes, ordinances and regulations.

Signature of Engineer of Record

Date

Name (Printed)

(Seal)

4.2. Construction plans approval, [insert administrator's or engineer's title]

The following certification statement from [insert administrator's or engineer's title] shall appear in the approved Construction Plans:

All requirements of the [Local Jurisdiction] relative to the preparation and submission of these plans and specifications have been fulfilled and approval is hereby granted subject to the conditions stipulated below:

[City/County Engineer]

Date

4.3. Construction Plans Approval, [insert administrator's or engineer's title]

The following certification statement from the [Local Jurisdiction] [insert administrator's or engineer's title] shall appear in the approved Construction Plans:

These Construction Plans have been reviewed and found to be in accordance with the approved Concept Plat and the approved Preliminary Plat, and any zoning conditions that may have been previously imposed on the property.

[Jurisdiction Administrator/Manager]

Date

ARTICLE IX **THE FINAL PLAT**

Section 1. Purpose of the Final Plat

The purpose of the Final Plat of a subdivision is to present an accurate depiction of the layout of the Subdivision that has been constructed so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the Subdivision.

Section 2. Final Plat Specifications

- 2.1. The Final Plat shall be clearly and legibly drawn in black ink on suitable permanent reproducible material. The scale of the Final Plat shall be 100 feet to one inch or larger. Sheet size shall be 18 inches by 24 inches.
- 2.2. The Final Plat shall be based on a certified boundary survey delimiting the entirety of the property contained within the Final Plat, and tied to a city-established monument with the same degree of accuracy as the boundary itself. The survey shall have an accuracy of no less than 1 in 10,000, and shall meet all requirements of Georgia Law regarding the recording of maps and plats. The Final Plat shall be submitted as hard copy and electronically in a format acceptable to [Local Jurisdiction.]
- 2.3. The Final Plat shall conform to the approved Concept Plat and Preliminary Plat and it may constitute only a portion of the approved Concept Plat, which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of these regulations, and said portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the approved Concept Plat or Preliminary Plat shall require revision and reapproval of both the Concept Plat and Preliminary Plat. The Final Plat shall contain the following information:
 - A. Name of the subdivision and unit or phase number, if any.
 - B. Names, addresses, and telephone numbers of the property owner of record and the developer or subdivider.
 - C. Name, address, and telephone number each professional firm associated with the portion of the subdivision depicted on the Final Plat.
 - D. Date of plat and survey, North Arrow and graphic scale.
 - E. Subdivision location including land lot(s) and land district(s), area in acres, internal and abutting zoning, proposed number of lots and area represented in tabular format showing associated square footage.
 - F. A location sketch or vicinity map positioning the subdivision in relation to the surrounding area with regard to recognized permanent landmarks. The location sketch scale shall be drawn at a scale of 600 feet to the inch.
 - G. Field-run boundary survey of the subdivision property perimeter showing actual bearings

in degrees, minutes and seconds and distances in feet and hundredths of a foot along all lines and the bearing and distances to an existing street intersection or other recognized permanent landmark. The boundary information shall be tied and related to the State Plane Coordinates System, 1983 North American Datum, Georgia, East zone.

- H. Municipal or county jurisdictional lines tied to the lines of the subdivision by distance and angles when such lines traverse or adjoin the subdivision; land lot or land district lines traversing or adjoining the subdivision shall also be indicated.
- I. Locations, widths, and names of all streets within and immediately adjoining the plat and all other public or utilities easements or rights-of-way.
- J. Street centerlines showing angles of deflection and standard curve data including radii, chord lengths, and bearings, lengths of arcs and tangents, and points of curvature and tangency.
- K. Lot lines with complete dimensions to the nearest one-hundredth of a foot and bearings to the nearest second, and radii, arc and chord lengths, and chord bearings of rounded corners.
- L. Building setback lines with dimensions. When lots are located on a curve or when side lot lines are at angles other than ninety degrees, the lot width at the building line shall be shown.
- M. Lots numbered in numerical order, blocks lettered alphabetically, and addresses as established by the [Local Jurisdiction].
- N. Location, material and size of all drainage pipes, location and type of all drainage system appurtenances such as catch basins, headwalls and inlets, location and extent of detention ponds with 100 year event level noted, the location, material and size of all [Local Jurisdiction] water and sewer mains and appurtenances, the location of all fire hydrants, and the location, width and purpose of any easements, including slope easements.
- O. Location of any areas to be reserved, donated, or dedicated to public use with notes stating their purpose and limitations. Location of any areas to be reserved by private deed covenant for common use of all property owners, or dedicated to a homeowner's association.
- P. A statement of restrictive covenants or conservation easements, if any, and if they are brief enough to be put directly on the Final Plat; otherwise, if covenants are separately recorded, a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated [insert date], which hereby become a part of this plat, and which were recorded on [insert date]."
- Q. Accurate location, material, and description of property corner or line monuments or markers. All monuments and markers shall be in place prior to approval of the Final Plat.
- R. Extent and elevation of the regulated floodplain within the subdivision. When floodplain is present, a chart giving the areas within and outside of the floodplain for each lot containing any portion of the floodplain shall be on the Final Plat. The origin of the floodplain data shall be indicated. The minimum finished floor elevation for sites adjacent to the floodplain shall be indicated on the plat for each lot.
- S. Individual lots, which are deemed by the [Local Jurisdiction] [insert administrator's or engineer's title] as requiring site plans, shall be designated in a readily identifiable manner. No part of any Lot shall contain State Waters, conservation easements or other

permanently protected areas, or the required undisturbed buffers for those areas.

T. Certificates and statements specified in these Regulations.

Section 3. Final Plat, Supplemental Information

3.1. The following supplemental information shall be required for each Final Plat:

- A. A maintenance bond warranting workmanship and covering damages for a period not less than [five (5)] years from the date the Final Plat is recorded.
- B. As-built construction plans in both a paper and electronic format, showing all infrastructure installation details, and certified by the engineer of record.

Section 4. Final Plat Review Process

- Step 1: The developer of a proposed subdivision shall meet with the [Local Jurisdiction] [insert administrator's or engineer's title] to discuss what is required for Final Plat Approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to the [Local Jurisdiction] [insert administrator's or engineer's title] two complete Final Plat Application Packages.
- Step 3: The Final Plat Application Package shall be carefully checked by the [Local Jurisdiction] [insert administrator's or engineer's title] or designated development coordinator to determine whether or not it is complete. If it is incomplete it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2 and no additional fee will be required.
- Step 4: If the Final Plat Application Package is complete, it will be accepted by the [Local Jurisdiction] [insert administrator's or engineer's title] or designated development coordinator; the date of acceptance will be noted. For every submittal, the [Local Jurisdiction] [insert administrator's or engineer's title] shall have at least 15 working days for review of and comments on the Final Plat.
- Step 5: If the [Local Jurisdiction] [insert administrator's or engineer's title] concludes the Final Plat is not acceptable, the Final Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and a new plat review fee will be required.
- Step 6: Prior to recording the Final Plat, the developer shall complete all required improvements, including the installation of the Landscape Plan for the public areas, and those improvements must all be inspected and approved by the [Local Jurisdiction] staff. If for any reason, it is not possible or practical for the developer to

- be able to complete this work within a reasonable period of time, the developer may post a cash bond, the amount of which shall be determined by the [insert administrator's or engineer's title], pending the satisfactory completion of the work.
- Step 7: Prior to recording the Final Plat, the developer must post with the [Local Jurisdiction] an acceptable Maintenance bond to guarantee the quality and workmanship of the required improvements for a period of not less than [two (2)] years following the date the Final Plat is actually recorded.
- Step 8: Once the developer has complete steps 6 and 7, and the [Local Jurisdiction] [insert administrator's or engineer's title] has approved the Final Plat, the developer shall provide to the [insert administrator's or engineer's title] a complete and accurate set of as-built drawings in both paper and electronic format acceptable to the [Local Jurisdiction]. The as-built drawings must also be approved by the [Local Jurisdiction] [insert administrator's or engineer's title].
- Step 9: Record the final plat.

Section 5. Final Plat Certifications

5.1. Final Plat Surveyor's Certification

The following certification statement from the Surveyor of Record shall appear in the approved Final Plat Package:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type, and material are correctly shown: This plat conforms to all requirements of the Georgia Plat Act. By:

Signature of Registered Georgia Land Surveyor

Date

Name (Printed)

No.

(Seal)

5.2. Engineer's Certification

The following certification statement from the Engineer of Record shall appear in the approved Final Plat Package:

I hereby certify that this subdivision was constructed in accordance with the construction plans and specifications which were approved by the [Local Jurisdiction] [insert administrator's or engineer's title], as well as any approved revisions thereto, and that all applicable engineering requirements of the applicable development and zoning ordinances have been fulfilled, except as noted below:

Signature of Engineer of Record

Date

Name (Printed)

No.
(Seal)

Noted Exceptions:

5.3. Final Plat Approval Certification

The following certification statement from the [Jurisdiction Manager/Administrator] shall appear in the approved Final Plat Package:

This Final Plat has been prepared in accordance with the approved Concept Plat, the approved Preliminary Plat, the approved Construction Plans, and the other applicable development codes and ordinances, and has been approved by the [Local Jurisdiction] for recording in the Office of the Clerk of the Superior Court of [County].

[Local Jurisdiction] Engineer

Date

[Local Jurisdiction] Clerk

Date

[Local Jurisdiction] Administrator

Date

5.4. Maintenance Guarantee

The undersigned, and all of its successors assigns to its interest in the subject property and , hereby warrant and guarantee to [Local Jurisdiction] the full and complete maintenance of a certain improvement known as _____ and more particularly shown in plat book _____, page(s) _____, of the _____ County Records (the “Property” or the “improvements”).

This warranty and guarantee is made in accordance with the applicable subdivision and development regulations of the [Local Jurisdiction]. This guarantee includes not only paving but also all other appurtenant structures and amenities lying within the right-of-way of any said road and in the buffer areas, including but not limited to all curbing, drainage pipes, culverts, catch basins, drainage ditches, and pedestrian walks. Utilities owned and operated by a governmental body or public utility company shall be the responsibility of said governmental body or public utility company and not the developer.

The developer shall correct and repair or cause to be corrected and repaired all damages to said improvements. In the event the developer fails to correct any damages within 30 calendar days after written notice thereof, then said damages may be corrected by the [Local Jurisdiction] and all costs and charges billed to and paid by the developer; but this remedy shall not limit the [Local Jurisdiction], and it shall also have any remedies available to it as approved by law.

The terms of this agreement shall be for a period of five years beginning on the date of written acceptance of said improvements by the [Local Jurisdiction] as evidenced by the final plat approval of said completed improvements.

After the termination of said five year period the [Local Jurisdiction] shall be responsible to the citizens of the [Local Jurisdiction] for the maintenance of said improvements as provided by law. Provided, however, any damages which occurred prior to the end of said five year period and which still are unrepaired at the termination of said period shall remain the responsibility of the developer (written notice of said damages must be given prior to the time the five year period ends).

IN WITNESS WHEREOF, the developer has caused this Agreement to be executed by its duly authorized officers this _____ day of _____, _____.

Owner/Developer

Date

Title

(Seal)

Notary Public State of Georgia

(Seal)

5.5. Certificate of Dedication

State of Georgia

County of _____

The owner of the land shown on the attached final plat (the “Plat”) acknowledges that the Plat was made from an actual survey, and for value received, the sufficiency of which is hereby acknowledged, does hereby convey in fee simple to [Local Jurisdiction], Georgia, and further dedicates to the use of the public forever all streets and rights-of-way, pedestrian walks, watercourses, drains, easements, greenbelts and public places shown on the Plat, except those easements designated on this plat as other utility company easements, and except those streets specifically designated on the Plat as private streets.

In consideration of the approval of this Plat and other valuable considerations, the owners do hereby agree to hold [Local Jurisdiction], Georgia, harmless for a five year period from any and all liabilities arising from any and all claims, damages, or demands arising on account of the design and construction of the improvements shown on the Plat, to include but not limited to, the roads, streets, fills, embankments, ditches, cross drains, culverts and bridges within the proposed right-of-way shown, resulting from any and all causes other than by an act of [Local Jurisdiction], Georgia.

And further, the owner warrants that he owns fee simple title to the property shown on the Plat and agrees that [Local Jurisdiction] shall not be liable to the undersigned or subsequent owners in title for a period of [five years (5)] for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains extension, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers and any other matter whatsoever on private property. Any and all monetary liability arising from the property shown on the Plat during the term of the five year hold harmless period specified herein shall be the liability of the owner, or its successors and assigns in interest. I further warrant that I have the right to convey said land according to this plat and do hereby bind myself and the owners subsequent in title to defend the covenants and agreements set out.

IN WITNESS WHEREOF, I have hereunto set by hand and affixed my seal this _____ day of _____, 20____.

Owner/Developer

Date

Title

(Seal)

Notary Public State of Georgia

(Seal)

[If applicable, add details about Performance Bonds here as Section 5.6 Performance Bond]

ARTICLE X **GENERAL ADMINISTRATION**

Section 1. Responsibility

It shall be the responsibility of the [Local Jurisdiction] [insert administrator's title], or his designated representative, to administer, interpret and enforce these Regulations.

Section 2. Fees

The fees for reviewing plats and plans in accordance with these Regulations are established and periodically updated by the [Local Jurisdiction Council or Commission]. A copy of the current Fee Schedule is available upon request from the [insert administrator's title].

Section 3. Forms and Instructions

Application forms and instructions for preparing and processing plats and plans in accordance with these Regulations are periodically updated. Current copies of these forms and instructions are available upon request from the [insert administrator's title]. Applicants will be required to submit such other information as may be required by the Administrator.

Section 4. Enforcement

In any instance where activities are undertaken in violation of these Regulations, the [Local Jurisdiction] [insert administrator's title] is hereby authorized to stop all unauthorized work, direct correction of deficiencies, and take any other legal or administrative action necessary to achieve compliance.

Section 5. Variances

The [insert appropriate board, council, or commission] shall have the power to hear, grant or deny variances from the terms of this ordinance as will not be contrary to the public interest when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship, provided that the spirit of the part shall be observed, public welfare and safety be secured, and substantial justice done.

5.1. Procedures for Variances

- A. Requests for variances shall be filed with the [insert administrator's title], and with supporting material as required by the [insert administrator's title] and this Section 5 of Article X. Upon submittal of a complete application, as determined by [insert administrator's title], the [insert administrator's title] shall place the variance request on the next regularly scheduled meeting of [insert appropriate board, council, or commission]. No appeal for variance shall be accepted except from the owner or operator of the subdivision involved.
- B. Action by [insert appropriate board, council, or commission]. The secretary [insert administrator's title] shall review the facts of each application and shall submit findings of fact and recommendations to the [insert appropriate board, council, or commission] at

the time each application is heard. The [insert appropriate board, council, or commission] shall approve or reject the variance request.

- C. Notice of Hearings: Notice of public hearings shall conform to the requirements as established by the [Local Jurisdiction].

5.2. Conditions of Granting a Variance

- A. Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the [insert appropriate board, council, or commission] only upon making all of the following findings:

- a. The conditions creating the need for the variance must not be self-imposed.
- b. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- c. The strict application of this Ordinance to this particular piece of property would create an unnecessary hardship;
- d. Such conditions are peculiar to the particular piece of property involved; and
- e. Relief, if granted, would not cause detriment to the public good or impair the purposes and intent of this Ordinance.

- B. Exceptions for Preservation of Mature Trees: Variances to reduce required setbacks may be granted for the sole purpose of preserving mature trees upon making the following findings:

- a. That the variance is necessary in order to preserve a mature tree (or trees) with a caliper diameter of eight (8) inches or more which would be lost if the setback requirements were strictly applied. Such a variance may only be granted if a certified arborist attests to the [insert appropriate board, council, or commission] in writing that such tree(s) will be lost either by necessary removal for construction or as a consequence of adjacent construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s) or similar dysfunction.
- b. Any variance granted under the provisions of this section shall include a condition that should the subject tree(s) die as a consequence, direct or indirect, of construction despite the granting of the variance, they shall be replaced, at the property owner's or applicant's expense, in accordance with a tree replacement plan prepared by the certified arborist. The property owner or applicant shall be required to notify the [Local Jurisdiction] of the death of the tree(s) within 30 days.
- c. Variances granted under the provisions of this section may be granted by the [insert appropriate board, council, or commission] only upon its finding that relief, if granted, would not cause detriment to the public good or impair the purposes and intent of this ordinance.
- d. Any proposed variance shall be granted only upon a finding by the [insert appropriate board, council, or commission] that tree preservation and replacement plans are in accordance with the plans and requirements of the [Local Jurisdiction].
- e. Variances granted under these provisions are specifically exempt from the

provisions of subsection A, a.-c. of this Article X.

5.3. Variances Conditions and Safeguards

The [insert appropriate board, council, or commission] may impose such conditions relating to the variance application as it may deem necessary in the particular case to protect the public interest.

5.4. Variances Apply to Property

When granted, a variance, together with any conditions or safeguards attached, shall apply to the land or use or which it was issued, and not to a particular person.

Section 6. Penalties

Any person, firm, or corporation violating any provision of these Regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined as determined by the Judge of [insert local court having jurisdiction], for each offense, and each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the [Local Jurisdiction] from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 7. Appeals

A decision of the [Local Jurisdiction] [insert administrator's title] concerning the administration, interpretation, or enforcement of the regulations may be appealed to the [Local Jurisdiction] [insert administrator's title] within 30 calendar days of that decision being final and in written form. Appeals may be made by an affected owner/developer or by any legal resident of the [Local Jurisdiction] who feels he has been adversely affected by that decision. All appeals shall be submitted in a form prescribed by the [Local Jurisdiction] and shall include a fee established by the [Local Jurisdiction]. The [Local Jurisdiction] [insert administrator's title] shall render a decision on an appeal within sixty (60) calendar days after the appeal is accepted for review by the [Local Jurisdiction] administrator's title].

Section 8. Appeal from Decisions

Any person aggrieved by a decision on an appeal by the [Local Jurisdiction] or [insert administrator's title] shall have the Right of Appeal by Writ of Certiorari to the Superior Court of [Jurisdiction] within 30 calendar days after that decision is rendered by the [Local Jurisdiction] [insert administrator's title].

Section 9. Amendments

These Regulations may be amended from time to time by the [Local Jurisdiction] when such action is justified by the public necessity, convenience or general welfare, or when dictated by the principles of good land development practice. These Amendments shall not apply to applications made previous to the date of adoption of these Amendments, and accepted by the local government as being complete and in compliance with this ordinance.

ARTICLE XI **LEGAL STATUS PROVISIONS**

Section 1. Conflicts

Whenever the regulations of this Ordinance require or impose more restrictive standards than are required in or under any other statutes, the [insert title of Administrator] shall have discretion to apply those standards that achieve the stated purposes of this ordinance. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the [insert title of Administrator] shall have discretion to apply those standards that achieve the stated purposes of this ordinance.

Section 2. Severability

Should any section, subsection, sentence, clause, phrase or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 3. Effective Date

These regulations shall be in full force and effective on _____, 20__ following its adoption and shall apply to any tract of land which is proposed to be subdivided as of and after the effective date of these Regulations and for any tract for which a Preliminary Plat has not already been approved, for so long as the Ordinance remains in effect.

ENACTED AND ADOPTED this _____ day of _____, 20__.

By: _____ Attested to: _____
[Enter Name, Title of Elected Official] [Enter Name, Title of Clerk]

(Seal)

ARTICLE XII CONSERVATION SUBDIVISIONS

The value of conserving natural resources is recognized herein as an important consideration in subdivision design and zoning. Accordingly, the regulations set forth in this Article XII of this Ordinance shall, as this Ordinance provides, be followed for a development to be considered a conservation subdivision. This ARTICLE XII is intended to supplement and, where provided herein, amend the specific requirements of ARTICLE I through ARTICLE XI of this Ordinance; therefore, application by the developer for a conservation subdivision shall follow the following guidelines while fulfilling, to the extent consistent with the following guidelines, the submittal, review, and approval processes outlined in the preceding ARTICLES.

Section 1. Purpose

- A. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land, consistent with the Green Growth Guidelines (Coastal Resource Division, Department of Natural Resources, April 2006).
- B. To preserve in perpetuity unique or sensitive natural resources such as groundwater recharge areas, floodplains, wetlands, streams and stream banks, riparian buffers, woodlands, wildlife habitat, and coastal features including tidal marshlands and dunes.
- C. To preserve important historic and archaeological sites.
- D. To promote clustering of houses and structures on less environmentally sensitive soils to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- F. To promote interconnected greenways and corridors throughout the community.
- G. To promote contiguous greenspace with adjacent recreational facilities and jurisdictions.
- H. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- I. To encourage street designs that reduce traffic speeds and reliance on main arteries in the neighborhood while increasing safety and access for pedestrians and bicyclists.
- J. To promote construction of convenient and environmentally acceptable landscaped walking trails and bike paths—both within the subdivision and connected to neighboring communities, businesses, and facilities—that reduce reliance on automobiles and provide recreational opportunities.
- K. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- L. To protect prime agricultural land and preserve farming as an economic activity, where applicable.
- M. **[Each jurisdiction should review and add any conservation/natural resource**

purpose(s) that are unique to its Comprehensive Plan and relevant to development.]

Section 2. Applicability of Regulations.

The Conservation Subdivision option is available, as a use by right, for all Subdivision applications in all single-family, duplex residential, and mixed use zoning districts provided in the underlying zoning ordinance. Applicants for a Conservation Subdivision shall comply with all other provisions of the [Local Jurisdiction] Zoning Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

[Each jurisdiction must decide whether to require use of conservation subdivision design for residential subdivisions uniformly, in certain zoning categories or overlay districts, or to provide incentives for its optional use. In addition, aspects of this ordinance can be applied to specific areas or situations, such as parcels having valuable natural or historic features, as long as the applicability remains consistent with Municipal, County, and State of Georgia code. A possible mandatory Conservation Subdivision provision, which is intended to balance the competing need for permitting development of subdivisions provides reasonable, economical density advantages to the developer with the need for protecting valuable natural features, might provide as follows:

The Conservation Subdivision requirements of this Article XII shall apply to all proposed Subdivision applications, in any single-family, duplex,[or low-density multi-family residential district permitted in the underlying zoning ordinance, in which any of the features listed in Section 5.2(B) of this Article XII as part of Primary Conservation Areas are included within the proposed boundaries of the Subdivision, and in which the proportion of Unbuildable Area as defined in this Ordinance and Primary Conservation Areas set out in Section 5.2(B) of this Article XII in the proposed Subdivision equals or exceeds [25] percent of the Subdivision's total parcel area, unless the Subdivision is granted a variance in accordance with the provisions of this Ordinance.]

Section 3. Housing Density Determination.

3.1. Maximum Lot Determination

The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant *[Jurisdictions may elect to choose one of these methods or allow for both.]*:

- A. Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
 - a. The 100-foot vegetative riparian buffers as included in the River Corridor Protection Act [O.C.G.A.12-2-1] for protected rivers, or as required and delineated by the code of [Local Jurisdiction];

- b. Bodies of open water over 5,000 square feet contiguous area;
 - c. Coastal Marshlands that meet the definition of the Georgia Department of Natural Resources pursuant to the Coastal Marshlands Protection Act [O.C.G.A. 12-5-280];
 - d. Wetlands that meet the definition of the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act;
 - e. Buffers related to the features listed in (a) through (d) above; and
 - f. Other sensitive areas as identified by the [insert administrator's title].
- B. Yield Plan: The Applicant presents a yield plan for review to determine the number of buildings and dwelling units permitted. The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations. All standard procedures for approving variances or waivers shall be followed consistent with County and State code.
- C. Density Bonus Provisions: The following density bonuses may be approved for proposed development of a Conservation Subdivision based on the maximum number of lots as determined for the Conservation Subdivision under Section 3.1 A or B of this Article XII. Subject to the maximum of [fifteen (15) percent] under subpart c. of this subsection, any combination of bonuses may be applied simultaneously to the same Conservation Subdivision under one application, if the site qualifies based upon the prerequisite conditions as outlined below. When computing bonuses the number of dwelling units shall be rounded down to the next whole unit, provided, however, that in no case shall a bonus equal less than one dwelling unit. This calculation shall be applied to each appropriate bonus, and shall be computed individually. The number of bonus units allowed under this density bonus is based on the maximum number of lots determined for the conservation Subdivision under Section 3.1 A or B, of this Article XII prior to the application of any density bonus.
- a. Historic preservation density bonus of up to [five (5)] percent may be approved for the preservation and rehabilitation of any historic resource as identified by the [Local Jurisdiction] Comprehensive Plan, listed or eligible to be listed on any local, State, or Federal Register of Historic Places, or otherwise determined worthy of preservation by the [Local Jurisdiction] Historic Preservation Board or Committee.
 - i. Applicant must guarantee in a form acceptable to the Local Historic Preservation Board or Committee that applicant shall rehabilitate, preserve, reconstruct, and maintain historic resources in a manner satisfactory to the [Local Jurisdiction] Historic Preservation Board or Committee. A maintenance plan submitted to the provisions of the Ownership and Management Plan provided for under Section 5.5 Subsection C of this Article XII shall be required in order for any density bonus to be considered.

- ii. Approval of the extent of the historic preservation density bonus allowed up to the maximum permitted [five (5)] percent for a given Conservation Subdivision shall be made by the [insert title of administrator], based on the extent to which the bonus is consistent with the purposes and requirements of this Article XII.
- b. Environmental protection density bonus of up to [ten] percent may be approved for the protection or rehabilitation of any environmental feature listed as an Primary Conservation Area (Section 5.2(B)), or otherwise determined worthy of preservation by the [Local Jurisdiction].
 - i. Applicant must guarantee in a form acceptable to the [Local Jurisdiction] [insert title of administrator] that applicant shall preserve all identified natural resources in a manner satisfactory to the [Local Jurisdiction] [insert title of administrator]. A maintenance plan submitted to the provisions of the Ownership and Management Plan provided for under Section 5.5 Subsection C of this Article XII shall be required in order for any density bonus to be considered. The [Local Jurisdiction] [insert title of administrator] may request the review of a density request under this subsection by a registered landscape architect and/or professional engineer.
 - ii. The number of lots approved up to the maximum permitted ten percent shall be based on the applicant's demonstration of cost to implement subsection (i) above versus the value of additional lots to offset such cost.
 - iii. Approval of the extent of the environmental protection density bonus allowed for a given conservation Subdivision shall be made by the [Local Jurisdiction] [insert title of administrator], based on the extent to which the bonus is consistent with the purposes and requirements of this Article XII.
- c. Combining Density Bonus Provisions. If both bonus provisions can be met, and are approved by the [Local Jurisdiction] [insert title of administrator], a total density bonus of up to and including, but not more than, [fifteen (15) percent] may be added to the yield plan. Said bonus shall be a minimum of one dwelling unit.

3.2. Maximum Lot Guarantee

The maximum number of lots does in no way guarantee that the conservation subdivision will be approved with the maximum number of lots. If all other requirements are met, the conservation subdivision may have up to (and not exceeding) the maximum number of lots.

3.3. Minimum Lot Area

Subdivision without Georgia Environmental Protection Division (EPD) approved public/community sewage disposal systems must comply with the minimum lot standards established by the State of Georgia, locally regulated by the local County Health Department, and any other applicable ordinances.

Section 4. Application Requirements

4.1. Site Analysis Map

Concurrent with the submission of a site Concept Plan, as required under Articles VI and XII, Applicants shall prepare and submit a site analysis map or site fingerprint. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this article. The approach to preparing the site analysis map should be consistent with site fingerprinting, as described in Chapter 1 – Green Growth Guidelines, and include the following steps:

Step 1: Identify general site features;

- A. Step 2: Determine and locate primary and secondary conservation areas;
- B. Step 3: Consider the impact of other important factors such as adjacent land uses, accessibility, transportation, and infrastructure availability;
- C. Step 4: Use collected information to derive the actual buildable area; and
- D. Step 5: Synthesize this information to create various development scenarios which incorporate the natural features of the site.

The site analysis map shall include the following features:

- A. Property boundaries;
- B. All hydrologic features including: streams, rivers, lakes, wetlands, riparian buffers, estuaries, marsh hammocks, marshlands, 100-year floodplains, FEMA flood zones, beaches, groundwater recharge areas, areas with elevated or perched groundwater tables;
- C. Topographic contours of no less than 3-foot intervals;
- D. Existing drainage pathways;
- E. General vegetation characteristics;
- F. General soil types;
- G. Wildlife and Priority Habitat Inventory(as identified by Wildlife Resources Division, Department of Natural Resources);
- H. Historic, cultural, and archeological resources;
- I. Agricultural land;
- J. Recreational land;
- K. Wellhead protection areas;
- L. Future land use or Character Area designations (if current);
- M. Viewsheds identified in local or regional land use or preservation plans;
- N. Existing water access;
- O. All other primary and secondary conservation areas labeled by type, as described in Section 5.2 of this Article;
- P. The planned location of protected open space;

- Q. Existing roads and structures; and
- R. Potential connections with existing greenspace and trails.

4.2. Open Space Management Plan

An open space management plan, as described in Section 5.6, shall be prepared and submitted prior to the issuance of a land disturbance permit.

4.3. Instrument of Permanent Protection

An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 5.7, shall be placed on the open space concurrent with the issuance of a land disturbance permit.

4.4. Other Requirements

The Applicant shall adhere to all other applicable requirements of the underlying zoning ordinance and/or the subdivision regulations of [Local Jurisdiction].

Section 5. Open Space

5.1. Definition

Open Space is the portion of the conservation subdivision that has been set aside for permanent protection for the common use of the residents of the development, or for the use of the community as a whole if so designated. The land designated as open space shall be in single ownership, separately platted, and shall not be divided among any of the constituent lots of the subdivision. The open space may be left in their existing condition, or restored with native vegetative cover. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument and are subject to the terms described in this Section of the ordinance.

5.2. Standards to Determine Open Space

- A. The minimum protected open space should comprise at least [Thirty (30)] percent of the gross tract area. ***[The recommended amount of preserved open space is 50%, but each community may determine the open space minimum that is appropriate for their area].***
- B. The following areas are considered Primary Conservation Areas and are required to be included within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - a. Bodies of open water over 5,000 square feet contiguous area;
 - b. Riparian buffer zones in accordance with the Riparian Buffer Ordinance of [Local Jurisdiction].
 - c. Slopes that are atypical of the surrounding terrain of the coastal plain that are at least 5,000 square feet in contiguous area;
 - d. Wetlands that meet the definition used by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act;

- e. Coastal Marshlands that meet the definition of the Georgia Department of Natural Resources pursuant to the Coastal Zone Management Act.
 - f. Populations of rare, endangered or threatened species, or habitat for such species, as defined by U.S. Fish and Wildlife and Georgia Department of Natural Resources as priority [1 or 2] in the DNR Habitat Survey.
 - g. Important, known archaeological sites and all cemeteries and burial grounds.
 - h. Any undisturbed buffers required by law or regulations for items (a) through (g) listed in this Paragraph B.
- C. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
- a. Important historic sites and structures;
 - b. Populations of rare, endangered or threatened species, or habitat for such species, as defined by U.S. Fish and Wildlife and Georgia Department of Natural Resources as priority [3, 4, or 5] in the DNR Habitat Survey.
 - c. Existing healthy, native forests, woodlands, or fields in early stages of succession, with a contiguous area of at least one (1) acre;
 - d. Individual existing healthy trees (heritage trees) not included as the part of a larger stand of trees;
 - e. Other significant natural features and scenic viewsheds such as coastal sand dunes or bluffs, particularly those that can be seen from public roads;
 - f. Prime agricultural lands of at least five (5) acres contiguous area;
 - g. Lands identified in a greenway network plan, where applicable;
 - h. Existing trails that connect the tract to neighboring areas; and
 - i. On-site septic disposal system drainfields provided that systems are properly maintained and inspected.
- D. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
- E. At least 75 percent of the open space shall be in a contiguous tract and shall adjoin any neighboring areas of open space, other protected areas, or non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- F. Non-adjoining lots shall be provided with safe, convenient access to the open space.

5.3. Permitted Uses of Open Space

Uses of open space may include the following:

- A. Conservation of natural, archaeological, or historical resources;
- B. Meadows, woodlands, wetlands, marshlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- C. Walking or bicycle trails, provided they are constructed of pervious materials;

- D. Passive recreation areas, such as open fields;
- E. Active recreation areas, provided that they are limited to no more than 10 percent of the total open space and are not located within primary conservation areas. These areas must be clearly indicated on all submitted plans. Active recreation areas in excess of this limit must be located outside of the protected open space. Active recreation areas located in the protected open space may not include the installation of buildings or other than incidental structures and impervious surfaces, except by variance;
- F. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
- G. Landscaped stormwater management facilities and impoundments. Such facilities shall be located outside of primary conservation areas;
- H. Community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of primary conservation areas.
- I. Easements for drainage, access, and underground utility lines; or
- J. Other conservation-oriented uses compatible with the purposes of this ordinance.

5.4. Prohibited uses of Open Space

The following uses are not permitted within the designated open space:

- A. Golf courses;
- B. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- C. Planting of invasive exotic plant species;
- D. Active recreation areas, except as allowed in Section 5.3, including but not limited to tennis courts, basketball courts, or swimming pools; or
- E. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

5.5. Ownership and Management of Open Space and Common Facilities

The following methods may be used to own open space land and all common facilities:

- A. Homeowner's Association. A Homeowner's Association representing residents of the conservation subdivision shall own the open space, and meet the following requirements: Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors; The Homeowners' Association shall have lien authority to ensure the collection of dues from all members; and, responsibility for maintaining the open space and any facilities located thereon shall be legally borne by the Homeowner's Association.
- B. Private conservation organization. With approval by the [Local Jurisdiction], fee simple title of the open space or easements on the open space may be transferred to a private nonprofit conservation organization provided that the conservation organization meets

the criteria set forth herein. The organization shall have a letter from the Internal Revenue Service stating that it is exempt under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3a), and is a qualified conservation organization as defined by the U.S. Treasury Regulations 1.170A-14(c) intended to exist indefinitely.

5.6. Management Plan.

Applicant shall submit a Plan for Management of Open Space and Common Facilities (“Plan”) that:

- A. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, as well as including additional provisions for ongoing maintenance and long-term capital improvements related to open space, stormwater drainage systems and components, common property and facilities, and any community water supply or sanitary sewer system; estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
- B. Provides that any changes to the Plan be approved by the [Local Jurisdiction]; and
- C. Provides for enforcement of the Plan.

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the [Local Jurisdiction] may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner’s Association, or in the event that the costs cannot be recovered from such Homeowner’s Association for any reason, then the costs shall be charged to the individual property owners that make up the subdivision, and may include administrative costs and penalties. Such costs shall become a lien on all the open space property and on all subdivision or other properties of which the open space property is a part. This language shall be recorded in the final plat, any deed restrictions, or by-laws for Homeowner’s Associations.

5.7. Legal Instrument for Permanent Protection

The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the open space. In addition, the legal instrument shall also include the Management Plan described in Section 5.6 above. The instrument shall be one of the following:

- A. A permanent conservation easement in favor of either:
 - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements, or a private conservation organization that owns the open space under Section 5.5(B), above. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer to a qualified conservation organization or government entity in the event the organization becomes unable to carry out its

- functions; or
 - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
 - c. If the entity accepting the easement is not the [Local Jurisdiction], then a supplemental right of enforcement favoring the [Local Jurisdiction] shall be included in the easement.
- B. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
- C. An equivalent legal tool that provides permanent protection, if approved by the [Local Jurisdiction].

Section 6. Development Standards

6.1. Overview Design Standards

The design standards herein provide for a conservation development design of new residential development. Adherence to these standards will help meet green growth principles, highlighted as purposes in Section 1 of this Article III. Section 6.2 includes standards that are generally applicable to Conservation Subdivision designs. Section 6.3 features additional standards for a Conservation Subdivision, also described in Section 2.6.1.2 of the Green Growth Guidelines as a Community Preserve site design. Section **Error! Reference source not found.** features additional standards applicable to the New Urbanist / Traditional Neighborhood Development, also described as a Village or Cluster site design in Section 2.6.1.3 of the Green Growth Guidelines. The standards for each should remain consistent with the code of [Local Jurisdiction].

[The following standards are provided in summary form, enabling each jurisdiction to add subsections to match specific dimensions, deliverables, and other components of local code. Existing application formats, submittal procedures, and review processes can be applied to these provisions for a Conservation Subdivision, or those procedures can be addressed by referring back to preceding Articles herein.]

6.2. Standards for Conservation Development

The following design standards are intended to improve the character and aesthetic qualities of development and to minimize impacts on natural and cultural features on the site. The [appropriate board, council or commission] may require development plans to be certified by an individual with professional training in neighborhood design.

- A. Lot Standards & Building Envelopes: Individual lot lines and building envelopes shall, to the extent possible, conform to the natural contours of the site and be delineated to minimize negative impacts on the natural and cultural resources of the site, particularly those specified in Sections 5.2 B and C of this Article XII and as identified by the [insert title of Administrator] and/or site inventory.

- a. The location and orientation of individual building envelopes and building sites shall be designed to maintain the natural topography and drainage patterns, to preserve important natural features in their natural condition, to maximize the potential for use of passive solar energy for light and heat, to minimize disturbance of natural vegetated cover, and to minimize grading, cut-and-fill, and soil removal.
 - b. Topography and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to allow a preferred development scheme; unless variances are granted to ignore these topographical and natural drainage determinants. Land disturbance and cut-and-fill shall be minimized
 - c. Native trees and vegetation, wetlands and streams, and other important natural features not included within the designated open space should be incorporated along the edges of individual lots or along a path or roadway, rather than transected by lot lines or a roadway.
 - d. The [insert appropriate board, council or commission] may require the designation of protected, naturally-vegetated buffer strip around water resource features, e.g., lakes, ponds, streams, wetlands, or other natural features that may be adversely affected by erosion or stormwater runoff. Such areas may be required to be revegetated if they were recently cleared prior to subdivision approval or cleared during construction. The buffer width shall, at a minimum, meet any dimension required by the Georgia Erosion and Sedimentation Act and applicable local buffer ordinances, but may exceed those minimums, or be imposed in the absence of any such minimums, for good cause shown by the [appropriate board, council or commission].
 - e. Stream and wetland crossings shall be eliminated whenever practical. When necessary, stream and wetland crossings may be allowed that minimize disruptions or impacts to water flow and animal passage.
 - f. A building envelope shall be identified for each lot. Future construction on the lot is encouraged, but not required to be located within the identified building envelop for each lot; however, construction outside of the designated building envelop shall comply with the setback requirements for a conventional development.
 - g. Building envelopes, and/or areas of contiguous clearing, shall generally be limited to a maximum area of [1/2 acre] for an individual building or up to [2 acres] when multiple buildings are located on a common lot.
- B. Minimal Visual Impact.
- a. The [insert name of appropriate board, council or commission] may require a vegetated buffer to provide screening between developments and/or between development and public roadways. At its discretion, the [insert name of appropriate board, council or commission] may prohibit the placement of building envelopes in visually prominent areas that cannot be adequately screened.
- C. Minimum Street and Street Right-of-Way Widths. Minimum street and street right-of-way widths shall be as set out in the following subsections. These requirements shall take precedence over the requirements of the [Local Jurisdiction] Subdivision Ordinance.

Except where the requirements below differ, all other regulations contained within the Subdivision Ordinance shall apply:

- a. Local Street (no parking). A local street with two (2) lanes and no parking shall have a graded width of eighteen (18) feet. The right of way shall be a minimum of thirty four (34) feet, with an eight foot minimum on each side.
 - b. A local street with two (2) lanes and parking shall have a graded width of twenty-four (24) feet. The right-of-way shall be a minimum of forty (40) feet, with an eight foot minimum on each side.
- D. Impervious Coverage Maximum. Conservation Subdivisions within a conservation subdivision shall conform to the following requirement: the Maximum site impervious surface coverage is 15% effective impervious area (EIA) as determined by the Georgia Coastal Stormwater Supplement to the Georgia Stormwater Management Manual Supplement EIA tool.
- E. Riparian Buffer Requirement. All Conservation Subdivisions within this District shall meet the following requirements:
- a. An undisturbed natural vegetative buffer shall be maintained along both banks of streams and along all impoundments, as measured from the top of the bank of the stream or impoundment. The buffer shall be a variable width buffer with an average width of at least 75 feet, and a minimum width of 50 feet. All land disturbing activity is prohibited within the buffer unless a variance is granted in accordance with provisions of this ordinance.
 - b. An undisturbed natural vegetative buffer shall be maintained along all coastal marshlands, measured horizontally from the landward edge of the coastal marshlands, as approved by the Georgia Department of Natural Resources and along all wetlands, as measured from the inland edge of the wetland, as approved by the Army Corp of Engineers. The buffer shall be a variable width buffer with an average width of at least 75 feet, and a minimum width of 50 feet. All land disturbing activity is prohibited within the 75 foot buffer unless a variance is granted in accordance with this ordinance.
- F. Landscaping and Tree Preservation. At the request of the [insert name of appropriate board, council or commission], an applicant shall prepare a detailed landscaping plan and/or tree preservation plan.
- a. The landscaping plan shall include a tree preservation plan, which shall identify all native trees greater than [6 inches] in diameter at [4 feet] above the ground, indicate which trees will be retained, and detail a plan to protect those trees, including the root zone, during construction.
 - b. The landscaping plan shall identify the areas of existing natural cover to be retained as well as new landscaping to be provided on the site, including specific types and sizing of plantings with a preference for native species. The landscaping plan should provide reasonable privacy for individual homes, provide a visual buffer of the development, and improve the overall aesthetics of the development.

6.3. Additional Design Guidelines for Conservation/Community Preserve Subdivisions

The following standards provide guidelines for the layout of a new residential and/or mixed use

development in a conservation/community preserve format when such an option is feasible under the applicable zoning, e.g., frontage and set back requirements and allowable uses.

- A. Building envelopes should be set back as far as possible from the boundary of the adjoining designated open space, to protect the integrity of the open space area.
- B. Consideration should be given in the layout of the subdivision to provide each dwelling unit with access and/or views onto the designated open space.
- C. Shared driveways are permitted and encouraged where appropriate to access individual lots.

6.4. Utility Standards

- A. Tree Preservation Plan: Installation of utility lines must be in accordance with the Tree Preservation Plan.
- B. Critical Root Radius: Trenching machinery is prohibited in the critical root radius (see Appendix A) of trees that are designated for preservation according to the tree preservation plan. Note: Technical advice on tree protection plans during construction is available through University of Georgia Marine Extension Service. ***[Note: Currently available at: <http://www.marex.uga.edu/advisory/CSCP.html>]***
- C. Construction Guidelines for Above Ground Utilities:
 - a. Utility lines must be constructed in accordance with the recommended guidelines set forth on page 14 of the document Coastal Riparian Buffer Guidance Manual: A Companion to the Model Coastal Buffer Ordinance. ***[Note: Currently available at: http://www.rivercenter.uga.edu/education/upper_altamaha/fall2006/coastal.htm]***
 - b. The above ground utility lines must occur at an angle, as measured from the point of crossing and so as to minimize the angle, within 25 degrees of perpendicular to the stream.
 - c. Create a width of disturbance of no more than 50 feet within the buffer.
 - d. Incorporate and implement adequate erosion control measures and specifications be into the project plans.
 - e. Construction is capable of surviving 100-year flood.
 - f. Maintenance of utility lines should not involve chemical application.
 - g. The disturbed area must be restored to its natural state.
- D. Construction Guidelines for Below Ground Utilities
 - a. No more than 500 linear feet of trench may be opened at one time. Excavated material shall be placed on the uphill side of trenches.
 - b. Material used for backfilling trenches shall be properly compacted in order to minimize erosion and promote stabilization.
 - c. Effluent from dewatering operations will be filtered or passed through approved sediment trapping device, or both, and discharged in a manner that does not adversely affect flowing streams or off-site property.

- d. The disturbed area must be restored to its natural state.
- E. Variable Riparian Buffer: If sewer lines or water lines are being considered for construction in the variable riparian buffer, the following guidelines must be met:
 - a. Angle of Crossing: Sewer and/or water lines must occur at an angle, as measured from the point of crossing and so as to minimize the angle, within 25 degrees of perpendicular to the stream.
 - b. Width of Disturbance: Sewer and/or water lines must cause a width of disturbance of no more than 50 feet within the buffer.
 - c. Erosion and Control Measures: Erosion control measures and specifications must be incorporated and implemented adequately into the project plans.

6.5. Locally & Regionally Designated Open Space Guidelines

- A. To the maximum extent possible, the area of designated open space shall include any area identified as a priority for conservation in a local, town, regional or state conservation plan. These areas shall be adequately buffered from development by a 100 foot (average) distance between the building envelope and the designated open space. A larger setback from the edge of the designated open space to specific areas may be required depending on the type of habitat and/or sensitivity of a species of concern to human influence.
- B. To the extent practical, the designated open space shall be contiguous within the parcel and adjacent to existing undeveloped land on adjoining parcels to form a continuous, integrated open space system. Particular attention shall be paid to maintaining and expanding existing trail networks.
- C. The design of the designated open space and any permitted uses, such as trails, shall be sensitive to minimizing potential impacts to high-quality and/or rare plant communities and habitat areas, particularly those areas potentially supporting rare or endangered species as determined by state and federal listings.
- D. No topsoil or vegetation shall be removed from the designated open space, except in conformance with an approved management plan for the area.
- E. Access points to the designated open space shall be clearly identified on plans and posted with permanent signage approved by the [insert name of appropriate board, council or commission] indicated allowed uses.
- F. No more than [5] percent of the designated open space shall be covered by impervious surfaces that impede the infiltration of rainwater into the soil, except as approved by special permit by the [insert applicable board, council or commission].
- G. The designated open space shall not be used as the location for dwelling units, roadways, other access, private recreation structures or play equipment, private accessory structures, or other nonresidential buildings or parking except as approved by the [insert applicable board, council or commission].

6.6. Docks

- A. Prohibited Activities and Uses: The following uses and activities are prohibited in conservation subdivisions.
 - a. Private residential single-family docks and multi-family docks other than

qualified community docks.

- B. Clean Marina Program: The community dock must function as a part of the University of Georgia's Clean Marina Program. [<http://www.uga.edu/cleanmarina/Become.html>] Note: The prohibited activities of Clean Marina Program will apply to any community dock.
- C. EPA Consistent: The community dock must be consistent with the US Environmental Protection Agency's National Management Measures Guidance to Control Nonpoint Source Pollution from Marinas and Recreational Boating. [**Note: Currently available at: <http://www.epa.gov/owow/nps/mmsp/index.html>**]
- D. Location: The community dock must be located such that:
 - a. The length of the marsh crossing must be limited to the maximum extent possible.
 - b. Sensitive habitat must be preserved to the maximum extent possible. Note: Technical advice on dock siting is available in the Recreational chapter of the Green Growth Guidelines when available.
- E. Dimension: Total area of the community dock structure must be less than 1/10 of an acre as measured from the marshland jurisdiction line. This includes: floating dock, hoist, walkway and fixed deck). Other dimension restrictions are:
 - a. Dock length cannot exceed 750 feet.
 - b. Docks must be at least 3 feet above marshgrass, unless the structure creates an obstruction of view when located over big cordgrass (*Spartina cynosuroides*). In this case, the dock must be immediately above the big cordgrass.
- F. Piling Spacing: Piling spacing should be as far apart as practical. A spacing allowance of no less than 10 feet between pilings is required for those portions of the dock constructed over marshgrass.
- G. West Indian Manatee Protection
 - a. Permitting Process: During the standard permitting process the developer must consult the local Ecological Services Division of the United States Fish and Wildlife Service regarding manatee protection during and post construction of the community dock.
 - b. Conditions for Boating Facilities: If required by the local Ecological Services Division of the United States Fish and Wildlife Service and Corp of Engineer Savannah District, the 2007 Standard Manatee Conditions for Boating Facilities must be followed.
 - c. Manatee Conditions: The 2007 Standard Manatee Conditions for Boating Facilities Savannah District-Corps of Engineers must be followed and incorporated into the construction and post-construction process, including signage, dissemination of the Manatee Awareness Brochure, and no wake zones.
- A. Building Materials and Construction
 - a. Pile Driving: Driving the piles must be conducted using shallow-draft, barge-mounted equipment in at least two feet of water.
 - b. Plank Spacing: Planks must be one half inch to one inch (½ to 1) apart.
 - c. Prohibited Wood Treatments: The use of chromated copper arsenate (CCA) treated wood and creosote treated timber is prohibited.
 - d. Wood Preservative Preparations: Wood preservatives must be dry before the

treated wood is used in construction.

6.7. Bank Stabilization

All bank stabilization projects must be completed in compliance with the recommendations included in the Hydromodification Best Practices Manual, published by the University of Georgia.

6.8. Golf Courses

Golf courses shall be permitted within conservation subdivisions pursuant to Section 6.8, however, golf courses shall not be included within the required designated open space area.

- A. Site Plan: As part of an overall concept site plan including a golf course, the Applicant shall prepare a golf course concept plan based on the site fingerprinting approach as described in Section 4.1 of this ordinance. The site concept plan shall be prepared for submission to [insert local government] that shows the proposed layout of the golf course. This plan should include the following:
 - a. Tees, greens, fairways, and practice range;
 - b. Buildings (e.g., clubhouse, maintenance facilities, etc.);
 - c. Roads and parking lots;
 - d. Conceptual design for the management of stormwater runoff and water quality including locations and methods and documentation that these locations and methods are practical; and
 - e. Location of irrigation wells and/or ponds.
 - f. The golf course should be designed to avoid, to the extent practical, encroachments on the protected areas restricted from development and to minimize the impact of the overall site development on natural resources.
- A. Variances to Buffer Standards: If any of the above facilities would require encroachment on vegetative buffers, streams, wetlands or floodplains, a variance of the standards must be granted by the Georgia EPD and/or the [Local Jurisdiction] as applicable. Any variance must meet the following conditions:
 - a. Fairways should be sited to reduce the number of stream crossings. Crossings should be limited to a maximum of two (2) for each 1,000 feet of stream length.
 - b. Fairways should be sited to eliminate or minimize the need to clear forest on steep or erodible slopes.
 - c. Clearing of forest canopy and conversion of forested wetlands to shrub-scrub or emergent wetlands should be minimized where practical.
 - d. Fairways will not require filling or grading in buffers, wetlands, or floodplains.
 - e. Where lack of topographic relief requires clearcutting of trees, this may be permitted; however, that portion of the fairway in the buffer, wetlands, or floodplains must be maintained as an unplayable rough. The vegetation will be maintained as shrub-scrub or herbaceous with a concentration of shrubs and small trees along the stream banks to provide shading and stream bank stability.

- f. Cart paths will be timber, and timber pilings, (no wider than 6 to 8 feet in width) where they cross wetlands. Cart paths will not be located along steep or erodible slopes. Minimal clearing will be allowed.
 - g. Buildings and parking lots will not be located in stream buffers, wetlands, or floodplains.
 - h. Stormwater and water quality management facilities will not be located in stream buffers, wetlands, or floodplains.
- B. Ponds: Ponds constructed for irrigation water supply or as hazards shall address applicable impacts including changes in organic material transport; invertebrate drift; fish passage; and loss of wetland functions. If site characteristics are such that one or more of these conditions is not applicable, a statement to that effect shall be provided with reference to the source of that determination.
- C. Forest Cover; The Applicant should determine the percentage of the total site acreage that is forest cover. The design of the golf course should limit clearing of forest to [25%] of the total forest acreage. If the design requires that more than [25%] of the existing forest be cleared, an afforestation (i.e., artificial planting) program must be implemented to replace any acreage over the clearing limit. A reforestation in other parts of the watershed may be accepted to meet the percent forest cover requirements.
- D. Where state or federal plant and/or animal habitat are determined to exist on site, the applicant will design the golf course to preserve these areas.
- E. Surface Water Monitoring: The applicant will be required to conduct surface water monitoring for one (1) year prior to release of grading permits and for three (3) years after the start-up of golf course operations. This monitoring program will be developed in coordination with EPD. The monitoring plan and the data collected for the three years post-construction and shall be submitted annually to [Insert Jurisdiction].
- F. Integrated Pest Management Program (IPM): The Applicant will develop in coordination with EPD and [insert local government] an IPM program. Emphasis will be given to: 1) selection of drought and disease resistant grass species for fairways, tees and greens; 2) the use of biological controls instead of chemicals; 3) where pesticides are used, selection of those chemicals that are less toxic, less mobile and have a shorter half-life; 4) strict control over those pesticides in terms of location of application; and 5) identification of areas on a site that are particularly susceptible to ground water or surface water contamination. The IPM plan must include the contact information for the person(s) responsible for its implementation.
- G. Ground Water Protection: Greens and tees should be located in areas where the maximum high water is greater than two feet below the surface. Field determination of ground water should be conducted with respect to the final grading of those locations.

[Recommendations for additional Conservation Incentives:

The past decade has brought a heightened awareness about the importance of considering natural resources in the context of development. The proposed conservation design measures, as with the Green Growth Guidelines, are intended to encourage responsible development through more sustainable approaches. These design measures are provided as options for local planning officials to implement and promote within their respective communities. An

important factor in their success is the incentive(s) offered. Three examples of incentives in addition to the density bonuses considered by this model ordinance are described below. These recommendations can be adapted to local conditions:

- A. Expedited Review—Depending on the established procedures for formal review and approval, high-demand review services can be expedited for applications that propose a conservation subdivision. This approach would enable the applicant to indicate the type of subdivision on the application cover sheet or checklist. Those applications would receive higher priority for review by staff, by being sorted into a separate review queue or by adhering to a shorter time limit for review to be completed. The greatest benefit would occur where the process otherwise would be fairly lengthy due to a backlog of development proposals and/or and extensive, multi-phase process of meetings and review periods.*
- B. Fee Waivers—Applications for conservation subdivisions could be granted a waiver from a portion or all of the application fees through the approval process. The fees would vary by jurisdiction but typically occur with each phase of the subdivision design process. The accumulated savings could range from tens to hundreds of dollars.*
- C. Development Impact Fee Waivers/Reductions—For communities who adopt an ordinance for impact fees, the costs and potential savings can be substantial. Evidence of conservation measures in the application could be used as credit to offset fees for infrastructure or other needed upgrades as a result of the development.*

Because this topic is new and the subject of ongoing research among planners and natural resource economists, there are no specific recommendations. Instead, local officials are encouraged to try incentives and adapt them as conditions change in the local economy, availability of suitable land, and environmental regulations.]